

## REMARKS

Claims 1-34 are pending. Claims 1-34 are variously rejected in an Office Action dated November 18, 2002 under 35 U.S.C. §§ 102, 103, and 112. In reply, Applicants amend claims 1, 8, 19, 25, 27, 28 and submit the present remarks. Support for the claim amendments is found throughout the original patent specification and claims as explained in detail herein below. Reconsideration and allowance of the application are requested.

### Objections to the Reissue Application

The reissue oath/declaration is rendered defective by the Examiner for lack of alleged required language. Particularly, a statement pertaining to errors in the original patent sought to be corrected in the present reissue application is allegedly absent from the original reissue declaration. Accordingly, the Examiner requires submission of a supplemental reissue oath/declaration. ✓

*where?* → To address the Examiner's concerns, a supplemental reissue declaration, including the language quoted in the November 18th Office Action, is being submitted under separate cover. Thusly, withdrawal of the rejection of claims 1-34 on grounds of defective reissue declaration is respectfully requested. ✓

### Drawing Objections

The drawings are objected to under 37 C.F.R. §1.83(a) for allegedly failing to show every feature of the invention specified in the claims.

Particularly, the drawings are said to be deficient of certain structure recited in claim 1 regarding the "pusher" and the "collet". Claim 1 is herein amended to obviate such rejection.

The drawings are further rejected as allegedly not showing "inserting the bar in to the collet" nor "pusher...aligned with the bar deposited" as recited in claim 1. These features are now shown in a newly added Figure 8. No new matter is introduced in new Figure 8 as support is found, for example, in claim 1, lines 9-13, and at column 3, lines

32-35 and lines 42-47. The specification is amended at Column 1 in the Brief Description of the Drawings section to correspond with the newly added Figure 8.

Accordingly, the drawings now comply with §1.83(a). Reconsideration and withdrawal of the outstanding objections are respectfully requested.

Rejections Under 35 U.S.C. §112, First Paragraph

Claims 1-34 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Particularly, referring to col. 4, lines 11-12, the Examiner states that it is unclear how the bar 17 can be inserted in the collet of the bar pusher 39. The Examiner asserts that the collet of the bar pusher 39 would be blocked by brackets 22 when the carriage 6 has reached its left stroke limit.

In reply, Applicant provides the following explanation with reference to the specification and drawings.

In one exemplary embodiment of the invention, the bar pusher 39, having the collet, is attached to a flap 38 which extends through a longitudinal slot traversing the length of a guide 36. Col. 3, lines 23-35 and Figures 2, 4, 5. The flap 38 is rigidly coupled to a chain 37 within the guide 36. *Id.*, at lines 34-35. The chain 37 is translatable in a longitudinal direction within the guide 36. *Id.*, at lines 28-30. The guide 36 is disposed parallel and adjacent to rods 4,5 on which the carriage 6 translates. See, Figures 2,4,5. Thus, the bar pusher 39 with the collet is translatable, via the chain 37/flap 38, along the length of the guide 36, adjacent and parallel to the rods 4,5 and the path of the carriage 6. Additionally, the guide 36 is rotatable about its longitudinal axis. Col. 3, lines 41-47. Correspondingly, the bar pusher 39 is rotatable about the longitudinal axis of the guide 36 from a position beneath the guide 36 to a position aligned with an axis A of a bar 17 loaded into the assembly. *Id.*

That is, in the described embodiment: the bar pusher 39 is movable along the length of guide 36, independent of the movement of the carriage 6; the bar pusher 39 is rotatable about the longitudinal axis of the guide 36; and, thusly, the bar pusher may

translate along the guide 36 in a position below the guide 36 or adjacent thereto aligned with the loaded bar 17.

In this exemplary embodiment, the brackets 22 indeed stack up against the upright 2 when the carriage 6 completes its left stroke, as suggested by the Examiner in the Office Action and as described at column 4, lines 7-8. However, as noted above, the bar pusher 39 is movable along the guide 36 *independent* of the movement of the carriage 6 and of the stacking of the brackets 22. Additionally, the bar pusher 39 may be swung below the guide 36 and then translated therebeneath.

Thus, for example, if the carriage 6 transports a bar 17 towards the upright 2 so as to effect a stacking of the support brackets 22, the bar pusher 39 may freely move beneath the guide 36 in a direction toward the opposite upright 3. Once the bar pusher 39 is moved clear of the stacked brackets 22, the carriage 6, and the bar 17, then the bar pusher 39 may be rotated into its position of alignment with the bar 17. Col. 4, lines 7-10. Finally, the chain 37 may be reactivated to translate the bar pusher 39 in a direction toward the left upright 2 and toward the bar 17 such that the collet engages the bar 17. *Id.* Also see, Figure 8. Then, the bar pusher 39, having engaged the bar 17 in the collet, may push the bar 17 free of the carriage 6 by action of the chain 37 for machining of the bar. Col. 4, lines 13-16.

As desired, after machining of the bar 17, the bar pusher 39 may position the bar 17 back in the carriage 6 by activation of the chain 37 wherein the bar 17 is re-gripped by blades 11,14 and held therein. Col. 4, lines 17-23. The chain 37 may then be activated again to withdraw the bar pusher 39 from the bar 17, the collet thus releasing the bar 17. *Id.* Finally, the guide 36 may then be rotated about its axis to swing the bar pusher 39 beneath the guide 36 and out of the way of the carriage 36 which then may traverse the rods 4,5. Col. 4, lines 24-27.

Thus, clearly, the collet of the bar pusher 39 is not blocked by the stacked brackets 22 as suggested by the Examiner in the outstanding Office Action. Further, contrary to the Examiner's assertion, it is made quite clear in the specification and drawings how to extract the bar from the collet of the bar pusher. Accordingly, claims 1-34 comply with all of the provisions of 35 U.S.C. §112, first paragraph. Therefore, reconsideration and withdrawal of the outstanding rejection is requested.

It is noted that the above-described is but one embodiment of the invention, of course, and is provided for exemplary purposes and is in no way offered to limit the scope of the claimed invention.

#### Rejections Under 35 U.S.C. Second Paragraph

Claims 1-34 are rejected under 35 U.S.C., second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With regard to claim 1, the Examiner states that the phrase, “the rear end of a released bar”, is unclear. To address the Examiner’s concerns, claim 1 is herein amended to clarify the phrase. Additionally, for support and further description, the Examiner is directed to column 3, lines 56-60 where release of a “single bar 17” and abutment of a flat plate 25 against an “end” of the bar 17 are described.

Further with respect to claim 1, the Examiner asserts that phrasing is unclear relating to the bar, the pusher, and the collet, and the relationship therebetween. As noted above regarding the objection to the drawings, a new Figure 8 is herein added and claim 1 is herein amended in order to address the Examiner’s concerns. Additionally, claims 8, 19, and 27 are correspondingly amended. Newly added Figure 8 shows the collet of the bar pusher 39 engaged with and aligned with a bar 17. Also, Figures 4 and 5 show various positioning of the bar pusher 39: (1) beneath the guide 36 (Figure 4); and (2) aligned with a bar 17 deposited on the brackets 22 (Figure 5). Reference is further made to the description and explanation set forth above concerning the rejection under 35 U.S.C. §112, first paragraph.

With regard to claim 25, the Examiner identifies unclear terminology. In reply, claim 25 is herein amended to address the Examiner’s concerns.

With regard to claims 25, 27, and 28, the Examiner cites potential antecedent basis issues. Claims 25, 27, and 28 are herein amended to remedy such issues.

Accordingly, all §112, second paragraph, issues are herein resolved. Thus, withdrawal of the outstanding rejections is requested.

### Rejections under 35 U.S.C. §102

Claims 19, 22, 23, 25, 26-29, 32, and 33 are presently rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,582,000 to Werkmeister et al. In reply, Applicant asserts that Werkmeister fails to teach each and every limitation recited in the rejected claims. Accordingly, the outstanding novelty rejection is improper and must be withdrawn.

Regarding claim 19, a device is recited for the advancement of bars in automatic loaders associated with a bar loading system. The device comprises, *inter alia*, a carriage having grip elements for a bar to be advanced, the carriage being slidably actuated between an initial position, where the grip elements are actuated to grip the bar, and a final position, where the bar is released by the grip elements.

A non-limiting exemplary embodiment of the device is shown in Figures 1 and 2. Therein, a carriage 6 includes blades 11,14 for gripping a bar deposited on supports 23. Col. 2, lines 7-13 and 18-23. The carriage 6 is slidably translatable along rods 4,5 from a position proximate an upright 3 to a position proximate an upright 2 and back again. Col. 1, line 63 through col. 2, line 3. At an initial position along the rods 4,5 the blades 11,14 may be actuated to grip the bar. Col. 3, lines 63-67. Then, the carriage 6 may transport the bar by slidably translating along the rods 4,5. *Id.* The carriage 6 may then reach a final position where the blades 11,14 are retracted and the bar is released. Col. 4, lines 13-16.

A carriage slidably actuated between an initial gripping position and a final releasing position, as recited in claim 19 and exemplified in one embodiment in the specification, *is not taught or even suggested* by the Werkmeister reference.

Werkmeister teaches a work piece feeding device including a gripping device pivotaly mounted about an axis parallel to and displaced from the axis of the work piece. Col. 2, lines 65-66. That is, the gripping device of Werkmeister is *mounted* to the feeding device so as to be non-translatable along a length of the feeding device and, further, the gripping device is mounted *pivotaly* so as to be actuatable only rotationally about an axis of the feeding device. Clearly, Werkmeister does not teach or suggest a carriage which is slidably actuated, as recited in Applicant's claim 19.

Turning with specificity to the reference, Werkmeister teaches a carriage 9 secured to a sliding member 8 which is bolted to a carrier 1 by means of a screw 6, the carrier 1 having a magazine 4 for storing work pieces mounted thereon. Col. 2, lines 57-75. Such disposition, surely prevents the carriage from any translatory sliding motion. Atop the carriage 9 is mounted a gripping jaw 22. Col. 3, lines 7-9. In operation, the carriage 9 is initially in a lowered position such that the gripping jaw is out of alignment with an axis of a work piece to be deposited from the magazine 4. Col. 3, lines 38-57. By action of a solenoid 26, the carriage 9 is pivotally raised thereby positioning the gripping jaw 22 such that the axis of the work piece lies in the gripping jaw 22. *Id.* The gripping jaw 22 is then activated to grip the work piece. *Id.* As desired, the gripping jaw 22 may release the work piece and the carriage may be pivotally moved about the axis of the work piece back into the lowered position. *Id.*

It is noted with particular emphasis that the carriage 9 of Werkmeister is *mounted* to the disclosed feeding device so as only to move pivotally about an axis of a deposited work piece, that the work piece is incapable of any type of sliding actuation as recited in claim 19 and described throughout Applicant's specification, and that any type of modification of the Werkmeister device to provide such sliding actuation would render the device unsuitable for intended purpose.

Thus, clearly, Werkmeister fails to teach or suggest all of the claim limitations of Claim 19. Additionally, claims 22, 23, 25, and 26 depend variously from claim 19 and include all of the limitations of claim 19 and additional limitations. Therefore, Werkmeister also fails to teach or suggest all of the limitations of claims 22, 23, 25, and 26. Accordingly, the outstanding rejection of claims 19, 22, 23, 35, and 26 are improper and must be withdrawn.

As mentioned above, claims 27-29, 32, and 33 are also rejected under §102(b) as being anticipated by Werkmeister.

Turning to claim 27, a device for the advancement of bars into automatic loaders is recited as comprising, *inter alia*, a carriage having grip elements for the bar to be advanced, said carriage being slidable so as to advance the bar end into the collet. At least this limitation of claim 27 is not taught nor suggested by the Werkmeister reference.

As mentioned above, Werkmeister teaches a work piece feeding device including a gripping device pivotaly mounted about an axis parallel to and displaced from the axis of the work piece. Col. 2, lines 65-66. That is, by its very nature, the Werkmeister gripping device is incapable of being slidable so as to advance a bar end into a collet, as recited in claim 27. Thus, claim 27 is not anticipated by Werkmeister. Therefore it follows that claims 28-29, 32 and 33, depending from claim 27, are also not anticipated by Werkmeister.

Accordingly, for at least the reasons discussed herein, claims 19, 22, 23, 25, 26-29, 32, and 33 are not anticipated by the Werkmeister reference. Reconsideration and withdrawal of the outstanding §102 rejections is respectfully requested.

#### Rejections Under 35 U.S.C. §103

Claims 24 and 34 are rejected under 35 U.S.C. §103(a) as being obvious over the Werkmeister reference in view of United States Patent No. 5,662,014 to Link.

The Examiner contends that Werkmeister discloses the claimed invention except for a fluid actuated jack mounted on the carriage acting on the lever. For this element, the Examiner relies upon Link and states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Cucchi to include the fluid actuated jack of Link. Thus, the Examiner concludes that Applicant's invention is rendered obvious over Werkmeister in view of Link.

However, claims 24 and 34 variously depend from allowable claims 19 and 27, respectively. (For allowability of claims 19 and 27, see discussion above regarding the outstanding §102 rejections.) That is, claims 24 and 34 include all of the respective limitations of claims 19 and 27 and additional limitations and are thus correspondingly allowable. Accordingly, reconsideration and withdrawal of the outstanding obviousness rejections is respectfully requested.

#### Allowable Subject Matter

It is gratefully noted that claims 1-18, 20, 21, 30, and 31 are not presently rejected on prior art grounds, thus these claims include allowable subject matter. The outstanding objections and §112 rejections regarding these claims have been addressed and traversed

in the present Response. Thus, allowance of claims 1-18, 20, 21, 30, and 31 is respectfully requested.

Conclusion

Claims 1-34 comply with the provisions of 35 U.S.C. §112 and, further, are not anticipated nor rendered obvious by the cited references, the drawings comply with the Statute and Code, and a Supplemental Reissue Declaration is being submitted under separate cover. Thus the application is in condition for allowance.

The foregoing amendments and remarks fully comply with the Office Action and the claims are now allowable to Applicant. Thus, reconsideration of the application, allowance thereof, and passage to issue are respectfully requested.

The Examiner is invited to contact Applicant's attorney at the below-listed telephone number regarding this Response or otherwise concerning the present application.

Applicant hereby petitions for any necessary extension of time required for consideration of the present Response.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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Date: APR. 29, 2003